

US EPA ARCHIVE DOCUMENT

WATERSHED-BASED WYPDES PERMITTING

for the

POWDER RIVER BASIN, WYOMING

Annual Report

for

U.S. EPA Environmental Policy and Innovation Grant

PI978078-01

*Prepared by:*

Wyoming Department of Environmental Quality

Water Quality Division

Cheyenne, WY 82002

September 1, 2006

## Environmental Policy and Innovation Grant

### *Watershed-based WYPDES Permitting for the Powder River Basin, Wyoming*

#### **INTRODUCTION**

The Water Quality Division (WQD) of the Wyoming Department of Environmental Quality (WDEQ) received a Grant Award from the U.S. Environmental Protection Agency (USEPA), Office of Environmental Policy and Innovation, for a grant covering the time period June 17, 2005 to June 30, 2008 to develop and implement a watershed-based WYPDES permitting process for the Powder River Basin (PRB) in northeastern Wyoming. This progress report presents a summary of project related activity from January 1, 2006 until August 31, 2006.

#### **PROJECT ACTIVITY**

##### **1) Pumpkin, Willow, and Fourmile Creeks**

The Pumpkin Creek and Willow Creek General permits and the Fourmile Creek Permitting Plan were advertised in Public Notice February 16, 2006 until April 3, 2006. Extensive comments from the stakeholder committees were received.

Meetings (6<sup>th</sup> in this series) were held in Sheridan, Wyoming to apprise stakeholder committee members of the number and types of comments received on the General Permits/Permitting Plans. The Pumpkin/Fourmile Creek meeting was held on April 12, 2006, and the Willow Creek meeting was held on April 11, 2006. All of the meetings were preceded by a public notice stating the dates, times, places, and purpose for the meetings.

Based upon the comments received during the public notice and the post-PN stakeholder committee meetings, the permits/plan were revised. The General Permits/Permitting Plan were issued September 11, 2006, and have been posted on the WDEQ website, [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_cbm/Pages/CBM\\_Watershed\\_Permitting/CBM\\_watershed\\_permitting.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_cbm/Pages/CBM_Watershed_Permitting/CBM_watershed_permitting.asp).

##### **2) Clear Creek and Fence Creek**

For the Clear Creek and Fence Creek watersheds, the following meetings have been held since January 1, 2006-

Clear Creek  
4<sup>th</sup> meeting – January 17, 2006  
5<sup>th</sup> meeting – March 9, 2006

Fence Creek  
4<sup>th</sup> meeting – January 18, 2006  
5<sup>th</sup> meeting – March 8, 2006

6<sup>th</sup> meeting – June 14, 2006

6<sup>th</sup> meeting – June 15, 2006

All of the meetings, except for the 5<sup>th</sup> meeting of for both Clear Creek and Fence Creek, were held in Buffalo, Wyoming. The 5<sup>th</sup> meeting for both Clear Creek and Fence Creek was held in Sheridan, Wyoming. All of the meeting dates, times, places, and the purpose of the meetings were advertised in public notice.

The Clear Creek and Fence Creek General permits were advertised in Public Notice April 15, 2006 until May 31, 2006. Extensive comments from the stakeholder committees were received. No comments from persons outside of the stakeholder committees were received.

WDEQ is in the process of evaluating the comments at this time, and has not determined a timeline for issuance of the General Permits.

As part of the Fence Creek watershed permitting process, a channel survey was conducted. Requests for proposal were solicited, and a contractor was selected May 19, 2006. The final report/information was submitted to the WDEQ on July 31, 2006.

A channel survey was deemed unnecessary in the Clear Creek watershed permitting process by the watershed permitting committee.

### 3) **Lower Tongue River**

Since the last report period, the WQD has initiated a third set of watershed meetings – the Lower Tongue River. This watershed includes:

Prairie Dog Creek and tributaries thereof,  
Hanging Woman Creek and tributaries thereof,  
Badger Creek and tributaries thereof,  
Big Goose Creek and tributaries thereof,  
Ash Creek and tributaries thereof, and  
Fool Creek and tributaries thereof

For the Lower Tongue River watershed, the following meetings have been held:

1<sup>st</sup> meeting: April 26-27, 2006  
2<sup>nd</sup> meeting – June 8, 2006  
3<sup>rd</sup> meeting – July 26, 2006

All of the meetings were held in Sheridan, Wyoming. All of the meeting dates, times, places, and the purpose of the meetings were advertised in public notice. The WQD anticipates that two general permits will be issued to cover CBM discharges within the Lower Tongue River watershed, one for discharges into the Prairie Dog Creek sub-basin, and another to cover discharges into the remaining sub-basins, which differ

from Prairie Dog Creek in that they are all intermittent, ephemeral class 3 drainages, while Prairie Dog Creek is a perennial class 2AB drainage.

The WQD sent out a request for proposal (RFP, # 0468-N) to hire a contract agent to perform channel surveys within the drainage with the intent of mapping possible constriction points (locations that may be restricted in the amount of additional flow that can be handled without causing undue erosional or other damage), the opening date for the RFP was July 17., 2006. Interviews were held with the three companies that submitted bids on August 4, 2006. The bid from Ayres Associates was selected to perform the Lower Tongue River watershed channel survey assessment on August 4, 2006. Total costs from the channel survey will be \$124,997.00. The WQD is currently in the process of performing an evaluation of aerial photography and color infrared imagery in order to select the locations of possible constriction points within the Lower Tongue River drainage. This selection process should be complete by September 5, 2006.

**4) Additional Information:**

Additional information related to the meetings, channel surveys, draft general permits, public notices, and other items mentioned above may be located on the WQD website at

[http://deq.state.wy.us/wqd/CBM\\_watershed\\_permitting.asp](http://deq.state.wy.us/wqd/CBM_watershed_permitting.asp)

- 5) The project is on schedule.
- 6) No funds from the Grant have been spent to date.
- 7) *Financial information removed by EPA as confidential business information.*

**NEXT STEPS**

WQD plans to initiate an additional set of watershed meetings in October, 2006 (for Crazy Woman Creek and Dead Horse Creek).

WQD plans to Public Notice the Lower Tongue River general watershed permits in October, 2006.

WQD intends to perform field assessments of all the constriction points identified in the preliminary channel survey constriction identification in September, 2006. Following field assessment and site selection, Ayres Associates will begin performing channel surveys and cross-section measurements. Once begun, the channel surveys and cross-sections should be completed within 45 days.

WQD has commenced preliminary data collection efforts for the Crazy Woman Creek and Dead Horse Creek watersheds (landowner and CBM operator identification, existing permits,

contact information, etc.). The WQD intends to send out an RFP for this drainage within the next 4-8 weeks to solicit bids for a facilitator. The channel survey for the Dead Horse Creek watershed has already begun (covered under the RFP for the already-completed Fence Creek watershed). The WQD expects to receive the preliminary report (for Phases I and II) for the Dead Horse Creek drainage at any time. The final report (Phase III) is due December 31, 2006.

WQD plans to initiate the ArcHydro portion of the proposal within the next six months, which includes the acquisition and set-up of the program (probably through a contractor), and training for WQD staff in utilization of the ArcHydro program.